

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CYNTHIA RAMOS, as Parent and Natural Guardian
of **W.R.**, and **CYNTHIA RAMOS**, Individually, *et al.*,

Plaintiffs,

24-cv-05109 (LGS)

-against-

DAVID C. BANKS, in his official capacity as Chancellor
of the New York City Department of Education, and the
NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendants.

NOTICE OF MOTION

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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion to Stay this Court's May 21 Order Dismissing their Amended Complaint and Denying their Motion for Preliminary Injunction, and for a Preliminary Injunction Pending Appeal, Plaintiffs will move, pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1415(j), before the Honorable Lorna G. Schofield, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, at a date and time to be determined by the Court, for an Order:

- a) staying this Court's May 21, 2025, Order dismissing Plaintiffs' Amended Complaint, pending resolution of the appeal of this matter before the United States Court of Appeals for the Second Circuit, Appeal No. 25-1321;
- b) entering a preliminary injunction:
 - i. Confirming each Student's pendency program or placement at iBRAIN throughout the administrative and judicial proceedings regarding their DPC for the 2024-2025 ESY, including during the expedited appeal;
 - ii. Confirming each Student's entitlement to funding, as pendency, at iBRAIN throughout the administrative and judicial proceedings regarding their DPC for the 2024-2025 ESY, including during the expedited appeal; and
- c) Granting such other, further and different relief as the Court deems just, proper, and equitable.


Dated: July 15, 2025
New York, NY

Respectfully submitted,
Liberty & Freedom Legal Group
Attorneys for Plaintiffs

By: /s/
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By **July 23, 2025**, Defendant shall file any opposition to Plaintiffs' application for a preliminary injunction pending appeal. By **July 25, 2025**, Plaintiffs shall file any reply. So Ordered.

Dated: July 16, 2025
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE